

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:)
)
 MARY FRANCES WARREN) Case No.: 3:14-bk-03998-PMG
) Chapter 13
Debtor.)
)

MOTION TO VACATE ORDER DISMISSING CASE

COMES NOW the Debtor, MARY FRANCES WARREN, by and through undersigned counsel, and respectfully moves this Court for entry of an order vacating the Court's January 22, 2018 Order Dismissing Chapter 13 Case [Doc. 121] (the "Dismissal") and reinstating this case. In support thereof, Debtor would state as follows:

1. Debtor filed a voluntary petition of Chapter 13 of Title 11 of the United States Code on August 15, 2014, under the exigent circumstance of catching up on a mortgage arrearage on a property located at 1633 N. 2nd Ave. N., Jacksonville Beach, FL 32250 (the "Property").

2. On January 6, 2016 the Court entered an Order Confirming Plan [Doc. 102] confirming the Debtor's Chapter 13 Plan [Doc. 99] and directing the Debtor to make payments beginning on September 14, 2014 for 60 consecutive months.

3. On February 17, 2017 the Trustee filed a Motion to Dismiss for Failure to Make Confirmed Plan Payments [Doc. 104] after the Debtor began to fall behind on the Plan payments. On February 17, 2017 the Court entered an Order Denying Trustee's Motion to Dismiss [Doc. 105] directing Debtor to become current on Debtor's payments within 60 days of the February 17, 2017 Order.

4. On April 14, 2017 Debtor filed Debtor's Motion to Extend Time to Make Plan Payments [Doc. 107]. On June 14, 2017 the Court entered an order granting the motion to extend time [Doc. 109], allowing Debtor an additional 60 days to become current on the Debtor's plan payments.

5. On September 5, 2017 Debtor, still unable to catch up on Plan payments, filed a second Motion for Extension of Time to Make Plan Payments [Doc. 112]. On November 14, 2017 the Court entered an order [Doc. 115] granting the September 5, 2017 motion and allowing Debtor to bring the Plan payments current within 60 days.

6. Finally, on January 22, 2018 the Court entered the dismissal after Debtor was unable to become current on the Plan payments.

7. Since the initiation of this case, Debtor's Plan payments have been paid by Debtor's son, William Warren, who lives at the Property and intends to take title to the Property as soon as the arrearages are cured through the Plan.

8. Mr. Warren had a business relationship dissolve in early 2017, resulting in Mr. Warren's loss of income and inability to make the Plan payments as required. Despite his best efforts Mr. Warren, who is now producing income again, was unable to catch up on the Plan payments despite this Court graciously providing numerous extensions to do so.

9. Mr. Warren is now able to make the Plan payments as required, but will not be able to catch up on the arrearages from February, 2017. As a result, Debtor intends on filing a motion to modify the plan payments pursuant to 11 U.S.C. § 1329 to allow Debtor

to catch up on the Plan payments and/or modify the Plan payments going forward once this case is reinstated.

10. No party in interest will be prejudiced by the entry of an order vacating the Dismissal and reinstating the case.

WHEREFORE Debtor, Mary Frances Warren, respectfully requests that the Court enter an order vacating the Court's January 22, 2018 Order Dismissing Chapter 13 Case and granting such other and further relief as the Court deems proper.

Dated: January 31, 2018

/s/ Ryan G. Moore

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2018 a copy of the foregoing was sent by CM/ECF to Douglas Neway, Chapter 13 Trustee.

By: /s/ Ryan G. Moore